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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/514,489      | 02/29/2000  | Somnath Banik        | BANIK 2-73          | 2128             |

27964 7590 05/07/2004

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EXAMINER

NGUYEN, TU X

ART UNIT

PAPER NUMBER

2684

DATE MAILED: 05/07/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/514,489

Applicant(s)

BANIK ET AL.

Examiner

Tu X Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-9 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9 and 11-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1, 8 and 15 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 6, 8-9, 13, 15-16, 19 and 21-22, are rejected under 35 U.S.C. 102(e) as being anticipated by Junghans (US Patent 6,259,710).

Regarding claims 1, 8 and 15, Junghans discloses for use in communicating data over a voice channel between a transmitter of a base station and a receiver of a handset of a cordless telephone (see col.4 line 45 through col.5 line 4), a system comprising:

a silence detector, coupled to said base station transceiver, that identifies a pause in voice traffic that is to be transmitted over and generates an interjection signal during said pause (see col.5 line 64 through col.6 line 15);

data injector, coupled to said silence detector, that receives said interjection signal and responds by causing said transmitter to transmit data to said receiver over

said voice channel (see col.5 line 64 through col.6 line 29, "TDMA" reads on voice channel).

Regarding claims 2,9 and 16, Junghans discloses voice traffic is analog voice traffic (see col.7 lines 9-14).

Regarding claims 6, 13 and 19, Junghans discloses transmitter transmits said voice in frames (see col.5 lines 14-15).

Regarding claims 21-22, Junghans discloses system receives said voice traffic and said data from a telephone line coupled thereto (see col.4 lines 45-65).

4. Claims 4-5, 11-12 and 17-18, are rejected under 35 U.S.C. 103(a) as being unpatentable over Junghans, in view of Martensson et al. (US Patent 6,349,212).

Regarding claims 4, 11 and 17, Junghans fails to disclose said data comprises caller identification data.

Martensson et al. disclose data comprises caller identification data (see col.1 lines 15-40 and col.5 lines 55-56). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Junghans with the above teaching Martensson et al. in order to provide call management services such as call screening in conjunction with subscribers.

Regarding to claims 5, 12 and 18, Junghans fails to disclose said data comprises menu item selection data.

Martensson et al. disclose said data comprises menu item selection data (see col.6 lines 15-21). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Junghans with the above

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teaching of Martensson et al. in order provide a menu option is chosen and confirmed by actuation of the handset.

5. Claims 7, 14 and 20 are rejected under 35 U.S.C. 103(e) as being unpatentable over Junghans in view of Walley et al. (US Patent 6,301,287).

Regarding to claims 7, 14 and 20, Junghans fails to disclose comparing a peak energy of said voice traffic to a noise floor reference.

Walley et al. disclose comparing a peak energy of said voice traffic to a noise floor reference (see col.12 lines 5-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Junghans with the above teaching of Walley et al. in order to estimate signal quality.

### Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is (703) 305-3427. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MAUNG NAY A, can be reached at (703) 308-7749.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 2600 Customer Service Office at (703) 306-0377.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314 (Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

TN

April 27, 2004

  
NAY MAUNG  
SUPERVISORY PATENT EXAMINER